

RESPONSE TO AMENDMENT

Request for Continued Examination

1. The Request for Continued Examination (RCE) under 37 CFR 1.53 (d) filed on August 5, 2008 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 1-6 and 9-17 are pending in the application, claims 7 and 8 have been cancelled.
3. Amendments to the claims, filed on July 17, 2008, have been entered in the above-identified application.

REJECTIONS

4. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 103

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oka et al. (U.S. Patent No. 6,064,524) in view of Murata et al. (U.S. Patent No. 5,886,819).

Regarding Applicant's claims 1 and 2, Oka discloses a multilayer film (*optical functional materials, title*) comprising a substrate film (a) (*col. 8, line 43*), a hard coat layer (b) containing a (meth)acrylate compound (*col. 18, lines 1 and 34*), an electrically conductive layer (c) containing electrically conductive particles (*col. 12, lines 16-30*), and a resin layer (d) containing a fluorine compound (*col. 12, line 53 through col. 13, line 11*), those three layers being disposed on at least one face of the substrate film (a) (*figure 15 a*). The resin layer (d) has fine irregularities on the

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surface (*figure 15 a*). The surface of the resin layer (d) of the multilayer film has a reflectance of less than 2% (*col. 1, lines 44-45*). Oka discloses that the resin layer (d) contains a fluorine-containing copolymer having a vinyl ether in principle (*col. 12, line 53 through col. 13, line 11*)

Oka fails to disclose the resin layer having an arithmetic average surface roughness Ra ranging from 0.004 μm to 0.020 μm or a haze of less than 3%.

Murata discloses antiglare material having an arithmetic average surface roughness Ra ranging from 0.03 μm to 0.20 μm (*col. 3, lines 55-57*) or a haze of less than 3% (*col. 4, lines 5-20*). If the Ra is too high a glittering phenomenon occurs and if it is too small there is insufficient antiglare effect. Likewise if the haze is too low it will cause a decrease in the antiglare effect and if it is too high the contrast of the images would be decreased (*col. 3, lines 61-64*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to having have a haze of less than 3% for the resin layer in Oka as taught by Murata in order to insure good visibility through the film.

The exact Ra of the resin layer is deemed to be a result effective variable with regard to the antiglare effect. It would require routine experimentation to determine the optimum value of a result effective variable, such as Ra, in the absence of a showing of criticality in the claimed Ra. *In re Boesch*, 205 USPQ 215 (CCPA 1980), *In re Woodruff*, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

The exact weight percent of the content of particles is deemed to be a result effective variable with regard to the antiglare/High index of refraction property. It would require routine experimentation to determine the optimum value of a result effective variable, such as weight

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percent of content, in the absence of a showing of criticality in the claimed weight percent. *In re Boesch*, 205 USPQ 215 (CCPA 1980), *In re Woodruff*, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Regarding Applicant's claims 3 and 4, Oka discloses that the substrate contains a polymer containing one selected from the group consisting of the ester, the acetate and the acrylate (*col. 8, lines 43-55*).

Regarding Applicant's claims 5-6, Oka disclose discloses that the electrically conductive layer (c) has a thickness of 0.01 μm to 1.0 μm (*col. 9, lines 63-67*) and contains a metal oxide particles (*col. 12, lines 16-30*).

Regarding Applicant's claims 9, 10 and 12, Oka discloses that the resin layer (d) contains a flourine-containing copolymer having a vinyl ether in principle and/or an alkoxysilyl group (*col. 12, line 53 through col. 13, line 11*) and silica particles with a particle size of 0.001 μm to 0.2 μm and two or more particle size distribution (*col. 9, lines 33-44*).

Regarding Applicant's claim 11, Oka discloses a silane coupling agent that meets the formulas of claim 11 (*col. 16, lines 1-20*).

Regarding Applicant's claims 13-17, the preambles "display film," "display", "display filter," "front protector panel" and "plasma display" are deem to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

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ANSWERS TO APPLICANT'S ARGUMENTS

6. Applicant's arguments in the response filed July 17, 2008 regarding the previous rejections of record have been carefully considered but are moot due to the new grounds of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Alicia Chevalier/
Primary Examiner, Art Unit 1794
10/18/2008